

3 November 1978

UIC #78-63272

RPTS

RP-551

MEMORANDUM FOR: Director of Central Intelligence

VIA: Deputy Director of Central Intelligence

FROM: Anthony A. Lapham
General Counsel

SUBJECT: Report of the Senate Select Committee on
Intelligence Subcommittee on Secrecy and
Disclosure Entitled "National Security
Secrets and the Administration of Justice"

1. Action Requested: None. This is for your information and consideration only.

2. Background: This memorandum relates to the subject report (Tab A), culminating over a year's study by the Subcommittee of the problems associated with the need to use classified information in criminal trials. You will recall that you testified before the Subcommittee in March of this year on the matter (your prepared statement is at Tab B).

3. In August, 1978 we received a draft of the Subcommittee's report which I felt was woefully deficient, pejorative, and misleading. I made my views known to Bill Miller, and at his request I put them in writing for the Subcommittee's consideration, (Tab C). The final version of the report was much improved, although the recommendations as they appeared in the draft were left virtually intact (see Tab D for a comparison of the recommendations in the draft and final versions of the report). What follows in this memorandum is a discussion of the report's recommendations, together with my views as to appropriateness of these recommendations and the position we should take on each.

First recommendation

4. The first recommendation states that Congress should focus on the development of statutory and administrative